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Attorneys for Plaintiff M.J. Furman,
 derivatively on behalf of Wal-Mart Stores, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

M.J. FURMAN, derivatively on behalf of WAL-
 MART STORES, INC.,

Plaintiff,

vs.

S. ROBSON WALTON; JIM C. WALTON;
 JAMES W. BREYER; DAVID D. GLASS;
 ROLAND A. HERNANDEZ; JOSE H.
 VILLARREAL; H. LEE SCOTT, JR.; JACK C.
 SHEWMAKER; and DOES 1-50, inclusive,

Defendants;

-and-

WAL-MART STORES, INC.,
 Nominal Defendant.

Case No. C 06-03532 SBA

**STIPULATION AND [PROPOSED]
 ORDER FOR REMOVAL FROM
 AUTOMATIC REFERRAL TO THE
 ADR MUTLI-OPTION PROGRAM
 PURSUANT TO ADR
 LOCAL RULE 3-3(c)**

1 The undersigned parties, by and through their counsel of record, hereby stipulate and
2 agree as follows:

3 WHEREAS, this case was automatically referred to the ADR Multi-Option program;

4 WHEREAS, the undersigned parties agree that the case should be removed from the
5 ADR Multi-Option program pursuant to ADR L.R. 3-3(c) because the undersigned parties do not
6 believe, at this time, that the Multi-Option program will facilitate resolution of the matter;

7 WHEREAS, the parties will discuss ADR options as appropriate on an ongoing basis
8 over the course of this litigation, and in the event that the parties elect to pursue ADR options,
9 will contact the Court to provide updates and/or seek guidance as such efforts proceed;

10 NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully
11 request that the Court enter an order, as follows:

12 1. This case shall be removed from the ADR Multi-Option program.

13 2. The undersigned parties will continue to discuss ADR options on an ongoing
14 basis, and will update the Court should they later wish to participate in an ADR process.

15 IT IS SO STIPULATED.

16 Dated: January 3, 2007

COTCHETT, PITRE, SIMON & McCARTHY

17
18
19 By: /s/
20 MARK C. MOLUMPY
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28 Attorneys for Plaintiff M.J. Furman,
derivatively on behalf of Wal-Mart Stores, Inc.

1 Dated: January 3, 2007

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Attorneys for Nominal Defendant Wal-Mart Stores,
Inc.

11 Dated: January 3, 2007

WEIL, GOTSHAL, & MANGES LLP

12 By: /s/
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Attorneys for Defendants S. Robson Walton, Jim C.
Walton, James W. Breyer, David D. Glass, Roland
A. Hernandez, H. Lee Scott, Jr., Jack C. Shewmaker
and Jose H. Villarreal

CERTIFICATION OF CONCURRENCE

I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Ignacio E. Salceda and Stephen A. Radin, counsel for defendants in this action.

Dated: January 3, 2007

COTCHETT, PITRE, SIMON & McCARTHY

/s/


MARK C. MOLUMPY

Attorneys for Plaintiff M.J. Furman,
derivatively on behalf of Wal-Mart Stores, Inc.

~~PROPOSED~~ ORDER

Pursuant to stipulation. IT IS SO ORDERED.

Dated: 1/8/07


The Honorable Sandra Brown Armstrong
United States District Judge